

Notice of Allowability

Application No.

09/682,996

Examiner

Ronald W Leja

Applicant(s)

PAPALLO, JR. ET AL.

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to the amendment of 10/6/03.
2. ☒ The allowed claim(s) is/are 1-37.
3. ☒ The drawings filed on 12 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 4/16/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Ronald W Leja
Primary Examiner
Art Unit: 2836

Art Unit: 2836

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE CLAIMS:

Claim 1, line 8, change "said" to -- a --.

Claim 2, line 1, change "a" to -- said --.

Claim 15, line 1, change "13" to -- 14 --.

Claim 22, line 3, change "said trip" to -- trip --.

Claim 29, line 5, after "fault" insert a -- . --.

Authorization for this Examiner's Amendment was given in a telephone interview with James J. Merrick on 4/16/04.

The following is an Examiner's Statement of Reasons for Allowance: Claims 1, 23, 31 and 37 are the Independent Claims in the instant Application. Independent Claims 1, 23 and 37 are drawn to the "panelboard" art. Applicant's arguments in the Response of 10/6/03 have been found convincing. The Examiner, after further consideration, is in agreement that it would not have been obvious for one to look to the "switchgear" art teachings of Weynachter (6,127,742) for suggestion or motivation to modify the panelboard art of Engel et al. (5,861,683). Bastian (5,541,808) offers an accepted definition for switchgear and wherein panelboard art falls into scaled down versions of switchgear. However, the general and encompassing definition of "switchgear" does not lend itself to generalities

Art Unit: 2836

between the high and mid-range voltage technology associated with "switchgears" to that of the technology associated with that of low-voltage and/or lighting "panelboards". The protection art also clearly separates the two technologies. Therefore, with respect to Independent Claims 23 and 31, one would not have been motivated to apply the switchgear teachings (of Weynachter) of communicating trip settings to a controller to that of the panelboard disclosure of Engel et al.. Engel et al. disclose use of a controller for controlling branch circuit breakers, but not for controlling the main circuit breaker. There does not appear to be strong motivation to apply the use of the controller to the main circuit breaker as required by Claims 1 and 37. Boteler (6,144,537) teaches a main circuit breaker having a controller and gathering data from the branch circuit breakers. However, the controller does not communicate with the branch circuit breakers or with their electromagnetic actuators for controlling their contacts, as required by Claims 1 and 37, but rather after detecting an arcing fault condition, grounds a branch line so as to allow the branch circuit breaker to detect a ground fault and trip. The claimed combinations of the Independent Claims are considered to be novel and unobvious in view of the Prior Art of Record. The remaining References cited at this time and not relied upon were cited as a matter of interest.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions


Art Unit: 2836

should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W Leja whose telephone number is (571)272-2053. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ronald W Leja
Primary Examiner
Art Unit 2836

rwl
April 16, 2004

